



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(128)

**CR No. 415 of 2025**

**Date of Decision: 23.01.2025**

**Sunehara @ Sunehra and another**

**...Petitioners**

**Vs**

**Gram Panchayat and others**

**...Respondents**

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Vishwajeet, Advocate  
for the petitioners.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition is directed against order dated 13.01.2025 (Annexure P-7) passed by the Court of learned District Judge Kaithal, dismissing the appeal filed against the order dated 24.10.2024 (Annexure P-5), passed by the Court of learned Civil Judge (Jr. Division), Kaithal, vide which application for ad-interim injunction to restrain the respondents-defendants from spending the grant money/public funds received by respondent-defendant No.1 in lieu of construction of Backward Class Chaupal over the suit property, was dismissed.

2. For the sake of convenience and clarity, parties shall be referred as per their original status.

3. The plaintiffs filed a suit for permanent injunction against the Gram Panchayat (defendants No.1 to 5) and the private respondents No.5 to 9 seeking to restrain the Gram Panchayat and others from spending the public funds by construction of a Backward Class Chaupal in the village over the suit property. It was claimed that the suit property was a residential house measuring 52.283 sq. mts. The plaintiffs claimed to be belonging to

the Prajapat Community and it was averred that the disputed house was previously owned by forefathers of the plaintiffs and defendants no.5 to 9. It was claimed that defendants No.5, 6 and the father of defendants No.7 to 9 had illegally obtained registration of the disputed property showing their exclusive possession. It was claimed that previously a Chaupal for the Backward Class had been constructed by the Gram Panchayat in the year 2002. A sum of ₹11,32,000/- had been sanctioned by the government for renovation of the Chaupal, which, the Gram Panchayat in connivance with defendants No. 5 to 9 wanted to spend on the personal property of defendants No. 5 to 9. Along with the suit, an application was moved under Order 39 Rules 1 and 2 read with Section 151 CPC for the grant of ad interim injunction.

4. The suit was resisted by the defendants. The Gram Panchayat, in its written statement, apart from raising preliminary objections, submitted on merits that the Chaupal in question had been in existence at the time of consolidation. Land mapping through drone technology had been done in 2021 to establish the clear ownership and accordingly ownership/title deeds were issued to the villagers. Due to an inadvertent error, defendants No. 5 to 9 were wrongly shown as the owners of the said land whereas the same had been reserved for the Prajapat Community, Chaupal. The Government had sanctioned ₹11,32,000/- for the reconstruction of the Chaupal for it had become dilapidated. On coming to know about the illegal entries, the Gram Panchayat approached defendants No. 5 to 9 who assured that they would have no objection to the construction of the Chaupal and would not claim ownership of the said land. A statement in writing is stated to have been made to this effect. It was averred in the written statement that the plaintiffs

were notorious persons who had filed the false and frivolous suit to obstruct the working of the Gram Panchayat. Reply to the application for the grant of ad interim injunction was also filed on similar lines.

5. Defendants No.2 and 3 i.e., the Panchayat Secretary and Block Development and Panchayat Officer, also filed a written statement mentioning about the funds of ₹11,32,000/- having been received. It was averred that work had already started and in so far as, defendants No.5 to 9 are concerned, they were ready to transfer the suit property to respondent No.1 but on account of the pendency of writ petition bearing CWP No. 21246 of 2023 as regards registration of transfer of land of Abadi Deh of villages, the same could not be done. The private defendants namely defendants No.5 to 8 (defendant No.9 had not been served till the time of decision of the application) also took a similar stand. They categorically stated that they had erroneously and inadvertently been reflected as owners of the suit property.

6. Learned counsel contends that the Courts have taken an erroneous view as the Gram Panchayat was in connivance with defendants No. 5 to 9 with a view to misuse the public money. Learned counsel has referred to the judgments passed by the trial Court as also the First Appellate Court and submits that the same are not legally sustainable.

7. I have considered the submissions made by learned counsel for the petitioners.

8. The matter was duly considered by both the Courts. It is the admitted case of the defendants that the suit property has wrongly been shown to be owned by defendants No.5 to 9 and they had in-fact, conceded that the same had wrongly been recorded and they would never claims

ownership as regards the same. A statement was also made before the trial Court on 24.09.2024 that if any Chaupal was built on the suit property, they would not claim any proprietary rights over the same. For the grant of an interim injunction, the plaintiffs were required to prove that they had a *prima facie* case in their favour and that the balance of convenience was also in their favour and further that in case the injunction was not granted, they would suffer an irreparable loss and substantial injury. This Court does not find any error in the findings recorded by the Courts that even a *prima facie* case was not made by the plaintiffs, being private persons, they could not show as to what locus they had to restrain the Gram Panchayat from spending the funds received from the Government. It has to be further borne in mind that the Gram Panchayat is also bound by rules and regulations and is accountable for the amount received and spent. Accordingly, no *prima facie* case is made out in favour of the plaintiffs. Further, they were not able to prove that the balance of convenience is in their favour or that they would suffer an irreparable loss and substantial injury if the injunction is not granted. I do not find any illegality in the findings recorded by either the trial Court or the First Appellate Court warranting interference in revisional jurisdiction.

In view of the aforementioned facts and circumstances, the present revision petition is dismissed.

(VIKRAM AGGARWAL)  
JUDGE

January 23, 2025

Rekha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No